

Steve W. Berman (*Pro Hac Vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
steve@hbsslaw.com

Elizabeth J. Cabraser (083151)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
ecabraser@lchb.com

Adam J. Zapala (245748)
COTCHETT, PITRE & McCARTHY, LLP
840 Malcolm Road
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577
azapala@cpmlegal.com

Counsel for Indirect Purchaser Plaintiffs

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE LITHIUM ION BATTERIES
ANTITRUST LITIGATION

Case No. 13-MD-02420 YGR (DMR)

MDL No. 2420

FIFTH REPORT ON CLAIMS STATUS

This Documents Relates to:

ALL INDIRECT PURCHASER ACTIONS

DATE ACTION FILED: Oct. 3, 2012

1 Indirect Purchaser Plaintiffs (IPPs) hereby submit this fifth status report per the Court's
 2 Third Order Extending Claims Deadline; Continuing Compliance Hearing, issued January 15, 2019
 3 (ECF No. 2453).

4 STATUS REPORT REGARDING CLAIMS

5 On November 21, 2017, this Court extended the claims deadline to January 19, 2018 for the
 6 IPPs' settlements with the Hitachi Maxell, NEC Corporation, LG Chem, and Sony defendants
 7 (ECF No. 2042). On January 12, 2018, this Court extended the claims deadline to July 19, 2018 for
 8 the same group of settlements (ECF No. 2138). On July 10, 2018, this Court extended the claims
 9 deadline to January 18, 2019 (ECF No. 2353). On January 15, 2019, this Court extended the claims
 10 deadline to July 19, 2019 (ECF No. 2453). Subsequent to the most recent report, this Court
 11 ordered the notice and claims process to commence with respect to additional settlements with the
 12 SDI, Toshiba, TOKIN, and Panasonic/Sanyo defendants, with the claims period ending on July 19,
 13 2019 (ECF No. 2475).

14 As discussed in the most recent report submitted on January 11, 2019 (ECF No. 2452), as
 15 of January 10, 2019, approximately 958,749 claimants had submitted claims against the settlements
 16 with the Hitachi Maxell, NEC Corporation, LG Chem, and Sony defendants. These claims were
 17 comprised of approximately 16,998,037 PC/laptops, 11,944,354 mobile devices, 3,029,282
 18 camcorders, and 3,846,264 cordless power tools. At that time, the estimated per-device claim
 19 against the Sony settlement was \$0.36; the estimated per-device claim for the Hitachi Maxell, NEC
 20 Corporation, and LG Chem settlements was approximately \$1.26. IPPs noted at that time that these
 21 were estimates – there has been an auditing process underway to exclude any fraudulent claims.

22 As of July 9, 2019, approximately 1,027,423 claimants have submitted claims against the
 23 settlements with the SDI, Toshiba, TOKIN, Panasonic/Sanyo, Hitachi Maxell, NEC Corporation,
 24 LG Chem, and Sony defendants. These claims are comprised of approximately 23,483,032
 25 PC/laptops, 15,994,135 mobile devices, 3,775,618 camcorders, and 9,958,089 cordless power
 26 tools. Currently, the estimated per-device claim against the Sony settlement is \$0.22; the estimated
 27 per-device claim for the SDI, Toshiba, TOKIN, Panasonic/Sanyo, Hitachi Maxell, NEC
 28

Corporation, and LG Chem settlements is approximately \$1.52.

These numbers will be updated following the close of the claims process on July 19, 2019. There is still an auditing process underway to exclude any fraudulent and other erroneous claims. For example, one claimant initially made a mobile phone claim for 3,864,284,466 batteries, which due to restrictions in the administrator's database was loaded as 864,284,466 batteries. Upon investigation and discussion between the claimant and the administrator, the claim was updated on July 10, 2019 to reflect four mobile phone batteries purchased, which is also reflected in the statistics discussed above. Additionally, the figures will be updated to allocate the settlement funds from the SDI, Toshiba, TOKIN, and Panasonic/Sanyo defendants between class members from repealer states and class members from non-repealer states. That process will be undertaken after July 19, 2019 for efficiency purposes.

STATUS REPORT REGARDING OBJECTORS AND APPEALS

Two objectors filed appeals with the Court of Appeals for the Ninth Circuit against the final approval order of the IPP settlements with the Hitachi Maxell, NEC Corporation, and LG Chem defendants: one by Michael Frank Bednarz, *Indirect Purchaser Plaintiffs v. Michael Frank Bednarz*, No. 17-17367, and the other by Christopher Andrews, *Indirect Purchaser Plaintiffs v. Christopher Andrews*, No. 17-17369. The briefing is complete in both appeals, and they are scheduled for oral argument at the Ninth Circuit on August 30, 2019.

The appeal of the Court's final approval order regarding the settlement with the Sony defendants also remains pending, *see Kevin Young et al v. LG Chem Ltd., et al*, No. 17-15795, and this appeal has been consolidated with Case No. 17-17369. Thus, oral argument for *Kevin Young et al v. LG Chem Ltd., et al*, No. 17-15795, also will be on August 30, 2019.

DATED: July 12, 2019

HAGENS BERMAN SOBOL SHAPIRO LLP

By s/ Shana E. Scarlett
SHANA E. SCARLETT

Steve W. Berman (*pro hac vice*)
Benjamin J. Siegel (256260)
715 Hearst Avenue, Suite 202

Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
steve@hbsslaw.com
shanas@hbsslaw.com
bens@hbsslaw.com

DATED: July 12, 2019

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By s/ Brendan P. Glackin
BRENDAN P. GLACKIN

Elizabeth J. Cabraser (SBN 083151)
Brendan P. Glackin (199643)
Lin Y. Chan (SBN 255027)
Michael K. Sheen (288284)
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
ecabraser@lchb.com
bglackin@lchb.com
lchan@lchb.com
msheen@lchb.com

DATED: July 12, 2019

COTCHETT, PITRE & McCARTHY, LLP

By s/ Adam J. Zapala
ADAM J. ZAPALA

Joseph W. Cotchett (SBN 36324)
Tamarah P. Prevost (SBN 313422)
840 Malcolm Road
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577
jcotchett@cpmlegal.com
azapala@cpmlegal.com
tprevost@cpmlegal.com

Counsel for Indirect Purchaser Plaintiffs